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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,704

Applicant(s)

YANG ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7, 10, 15, 18 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 8, 9, 11-14, 16, 17, 19-22, 24, and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are subject to examination. Claims 2, 7, 10, 15, 18 and 23 have been cancelled.

2. ***Response to Arguments***

A. **Section 101 Rejections:**

Applicant's arguments filed 06/14/2005 have been fully considered regarding this rejection, they are not persuasive and the rejection is withdrawn accordingly.

B. **Section 102 Rejections:**

Applicant's arguments filed 06/14/2005 have been fully considered but they are not persuasive for the following reasons:

Applicant's argument:

"In other words, Fung merely teaches management modules 53 that manage power consumption by monitoring the single server. Thus, Fung fails to teach or suggest remotely monitoring hardware characteristics of one of a plurality of distinct network devices. Moreover, there is no indication that Fung teaches or suggests flexible configuration files as further described in Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1.

Independent Claims 9, 17, and 25 include certain aspects analogous to Claim 1 discussed above. Therefore, these claims are allowable for reasons analogous to those discussed above in connection with Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1, 9, 17, and 25, as well as all claims depending therefrom." (footnote: Fung clearly fails to teach or suggest "invoking a

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flexible configuration file, the flexible configuration file comprising a plurality of location directives, each directive associated with a Management Information Base (MIB) parameter for one of the network devices," as recited in Claim 1 .)

Examiner's response:

Fung teaches, in fact more than management module 53 that manage power consumption by monitoring the single server, at para.[0099], "[0099] Alternative access nodes and connectivity are provided for monitoring and managing operation and configuration of a particular ISS, component or module of an ISS, or ISS and/or components coupled to an ISS for which monitoring or management are desired. In one embodiment, this access is provided by a remote internet management node 136 coupled via an internet connection 134 to the internet 132 and hence via router 130, optional load balancer 128, and uplink/downlink 124, 126 to the ISS 102. Within each ISS 102, monitoring and/or management operations will typically be carried out by a defined communication path (typically over the backplane) to one or more of the management modules 108."

Also, Fung teaches at para.[0159], "[0159] The system also supports browser-based access for Configuration and Management Controls. Standard SNMP management software is used in one embodiment to not only monitor and manage the rest of the system 102 through the Management Module 108, but also to control (self-control) the Management Module itself. Similar capabilities are also advantageously provided via a browser-based interface."

Thus, Fung discloses “invoking a flexible configuration file, the flexible configuration file comprising a plurality of location directives, each directive associated with a Management Information Base (MIB) parameter for one of the network devices.”

Fung also teaches at para. [0160], “Any server has the option to power manage itself as well as being managed by the global master. The global master communicates with all servers via standard network management protocol. Each server has its own network agent and will report (immediately or within some predetermined time interval) to the global master on any policy violation.”

Thus, Fung teaches “polling the particular network device based on a polling configuration file. the polling configuration file comprising an associated polling interval for each hardware characteristic; receiving updated hardware information associated with the network device at each associated polling interval; and dynamically displaying the updated hardware information.”

Independent claims 9, 17, and 25 include certain aspects analogous to Claim 1 as stated by the Applicants as above. Therefore, the teachings of Fung are also equally applicable to claims 9, 17, and 25.

C. Section 103 Rejections:

“The Office Action fails to cite or discuss any teaching or suggestion in Janes involving the missing elements discussed above. Accordingly, Applicants respectfully request that the Examiner produce such citations or discussions.”

Examiner’s response:

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The reference Janes teaches to display data as claimed in claim 8 in its Fig.2, and Abstract.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3- 6, 9, 11-14, 17, 19-22 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fung (US 2003/0200473 A1).

Referring to claim 1,

The reference teaches a method for monitoring hardware information associated with a plurality of distinct network devices in an enterprise system (Fig.1, Fig. 6, para. [0099]), comprising:

invoking a flexible configuration file, the flexible configuration file comprising a plurality of location directives, each directive associated with a Management Information Base (MIB) parameter for one of the network devices (para.[0099],[0159], page 12, para. [107], "SNMP", page 15, para. [0141]);

remotely retrieving real-time hardware information associated with a particular one of the network devices based on one of the location directives (Fig.1 element 54), the hardware information including information on one or more hardware characteristics

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(page 4, para. [0042] ,Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]);module status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para. [0143]); and

dynamically presenting the real-time information through a display. (Fig.1, element 65)

Referring to claim 3,

The reference teaches the method of claim 1, the hardware information comprising chassis component information. (Fig.6, Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]); module card status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para. [0143])

Referring to claim 4,

The reference teaches the method of claim 1, each hardware characteristic selected from the group consisting of:

memory usage (page 29, Table III, page 20, para.[190]);

chassis temperature (page 8, para.[0079]);

Central Processing Unit (CPU) usage (page 12, para.[107]);

fan status (page 15, para.[0142], page 16, para.[0154]);

module card status (page 15, para.[0144], page 16, para. [00147]); and

power supply status. (page 15, para. [0143])

Referring to claim 5,

The reference teaches the method of claim 1, further comprising selecting a second location directive of the flexible configuration file to retrieve hardware information associated with a second of the network devices. (Fig. 12, "server modules", page 11, para. [0099], [0100], [0104],[0159])

Referring to claim 6,

The reference teaches the method of claim 1, further comprising:

polling the particular network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic (page 17, para. [0160], para. [0147]);

receiving updated hardware information associated with the network device at each associated polling interval (page 17, para. [0160] para. [0147]); and

dynamically displaying the updated hardware information (Fig. 14).

Referring to claim 9,

Claim 9 is a claim to a software for monitoring hardware information associated with a network element in accordance with the method of claim 1. Therefore, claim 9 is rejected for the reasons set forth for claim 1.

Referring to claim 11,

Claim 11 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 3. Therefore, claim 11 is rejected for the reasons set forth for claim 3.

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Referring to claim 12,

Claim 12 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 4. Therefore, claim 12 is rejected for the reasons set forth for claim 4.

Referring to claim 13,

Claim 13 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 5. Therefore, claim 13 is rejected for the reasons set forth for claim 5.

Referring to claim 14,

Claim 14 is a claim to the software for monitoring hardware information associated with a network element in accordance with the method of claim 6. Therefore, claim 14 is rejected for the reasons set forth for claim 6.

Referring to claim 17,

Claim 17 is a claim to a system for monitoring information associated with a network element in accordance with the method of claim 1. Therefore, claim 17 is rejected for the reasons set forth for claim 1.

Referring to claim 19,

Claim 19 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 3. Therefore, claim 19 is rejected for the reasons set forth for claim 3.

Referring to claim 20,

Claim 20 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 4. Therefore, claim 20 is rejected for the reasons set forth for claim 4.

Referring to claim 21,

Claim 21 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 5. Therefore, claim 21 is rejected for the reasons set forth for claim 5.

Referring to claim 22,

Claim 22 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 6. Therefore, claim 22 is rejected for the reasons set forth for claim 6.

Referring to claim 25,

The reference teaches a method for monitoring hardware information associated with a plurality of distinct network device in an enterprise system (Fig.1, Fig. 6, para. [0099]), comprising:

invoking a flexible configuration file, the flexible configuration file comprising a plurality of location directives, each directive associated with a Management Information Base (MIB) parameter for one of the network devices (para.[0099],[0159], page 12, para. [107], "SNMP", page 15, para. [0141]);

remotely retrieving real-time hardware information associated with a particular one of the network devices based on one of the location directives, (Fig.1, element 54),

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the hardware information including information on one or more hardware characteristics (page 4, para. [0042] ,Memory usage (page 29, Table III, page 20, para.[190]);chassis temperature (page 8, para.[0079]);Central Processing Unit (CPU) usage (page 12, para.[107]);fan status (page 15, para.[0142], page 16, para.[0154]);module status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15,para.[0143]);

dynamically displaying the information through an interactive display based on a flexible configuration file (Fig.1, element 65; (Fig. 12, "server modules", page 11, para. [0099], [0100],[0104])

polling the particular network device based on a polling configuration file, the polling configuration file comprising an associated polling interval for each hardware characteristic retrieved (page 17, para. [0160], [0147]);

receiving updated hardware information associated with the network device at each associated polling interval (page 17, para. [0160], [0147]); and

dynamically displaying the updated hardware information (Fig. 14); and

selecting a second location directive of the flexible configuration file to retrieve hardware information associated with a second of the network devices (Fig. 12, "server modules", page 11, para. [0099], [0100], [0104]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fung (US 2003/0200473 A1) in view of Janes et al. (herein after Janes)(US 6, 642, 946 B1)

Referring to claim 8,

Keeping in mind the teachings of the reference Fung as stated above, the reference explicitly fails to teach method of claim 1, the interactive display comprising a first and a second window, the first window comprising a hierarchical tree structure of hardware characteristics, the second window comprising a tabular display of information associated with a hardware characteristic selected in the hierarchical tree structure.

The reference Janes teaches to display data as claimed in Fig.2, and Abstract.

Therefore, it would have been obvious for one having an ordinary skill in the art at the time the invention was made to employ the GUI of Jane such that, as suggested by Janes "A technical advantage of the present invention is the interactive graphical user interface that not only displays the data in a user-specifiable organizational manner, but also allows the user to easily enter a transaction by drag and drop methods. The graphical user interface allows the user to set and change any number of criteria for displaying and summarizing the data.

Referring to claim 16,

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Claim 16 is a claim to software for monitoring hardware information associated with a network element in accordance with the method of claim 8. Therefore, claim 16 is rejected for the reasons set forth for claim 8.

Referring to claim 24,

Claim 24 is a claim to the system for monitoring information associated with a network element in accordance with the method of claim 8. Therefore, claim 24 is rejected for the reasons set forth for claim 8.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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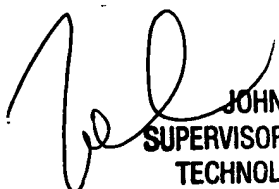
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp

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